

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**

July 15, 2019  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman and Audrey Nelsen. Present 9, Absent 0.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Park and Recreation Director Rob Baumgarn, Planning and Development Services Director David Ramstad, Public Works Director Sean Christensen, Fire Chief Frank Hanson, Human Resource Director Samantha Beckman, City Clerk Judy Thompson, City Attorney Robert Scott, and City Planner Sarah Swedburg.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of July 1, 2019
- B. Willmar Municipal Utilities Board Minutes of July 8, 2019
- C. Planning Commission Minutes of July 1, 2019
- D. Application for Exempt Permit – United Way of West Central Minnesota
- E. Application to Conduct Excluded Bingo – Pennock Lions Club
- F. Accounts Payable Report June 27 through July 10, 2019
- G. Park and Recreation Board Minutes of June 19, 2019
- H. Monthly Building Report for June, 2019
- I. Appointment of Khalif Bashir to Board of Zoning Appeals

Council Member Nelsen offered a motion to approve the Consent Agenda. Council Member Alvarado seconded the motion which carried.

There was no one present to speak during the Open Forum.

At 7:02 p.m. Mayor Calvin opened the public hearing for an Ordinance Authorizing Issuance of General Obligation Bonds, Series 2019A. Finance Director Steve Okins and Bakertilly representative Kathy Aho presented details of said ordinance and recommended Council approve the proposed ordinance.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:07 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Nelsen offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1437 An Ordinance Authorizing the Issuance of \$4,740,000 General Obligation Improvement Bonds, Series 2019A and the Levying of Taxes to Secure Payment Therefor.** Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 19-098 Authorizing the Sale of General Obligation Improvement Bonds, Series 2019A, Subject to Certain Parameters; Fixing Their Form and Specification; Directing Their Execution and Delivery; and Providing For Their Payment** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

At 7:10 p.m. Mayor Calvin opened the public hearing for a modification to Legacy on First Tax Increment Financing (TIF) Plan and Municipal Development District No. II. Planning and Development Services Director Dave Ramstad and Ehlers Senior Municipal Advisor Todd Hagen stated the proposed modification of the Municipal Development District expands the boundaries to be the same as the corporate boundaries of the City of Willmar. The proposed modification of the TIF Plan will enable the City to meet the Office of the State Auditor's requirements, incorporate current statutory language, increase the TIF budget, and allow the City to pay interest, if so desired.

There being no one to speak for or against said modifications, Mayor Calvin closed the public hearing at 7:14 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie introduced **Resolution No. 19-099 Adopting a Modification to the Development Program for Municipal Development District No. II and a Modification to the Tax Increment Financing Plan for the Legacy on First Tax Increment Financing District.** Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:15 p.m. Mayor Calvin opened the public hearing for a modification to TIF District No. 3 (GM/Magnum) and Municipal Development District No. VI. Planning and Development Services Director Dave Ramstad stated the modifications are similar to the Legacy on First modifications.

There being no one to speak for or against said modifications, Mayor Calvin closed the public hearing at 7:16 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie introduced **Resolution No. 19-100 Adopting a Modification to the Development Program for Municipal Development District No. VI and a Modification to the Tax Increment Financing Plan for Tax Increment Financing District No. 3.** Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:17 p.m. Mayor Calvin opened the public hearing for an ordinance authorizing the sale of real property to Hoffman Construction Company. Public Works Director Sean Christensen stated Hoffman Construction has offered to purchase a portion of unplatted land at the intersection of County Roads 40 and 55. They would utilize the land for additional material to raise the road beds, as well as a potential additional stormwater pond for the Willmar Wye Project. It was noted the Public Works Committee and Planning Commission reviewed the request and recommended approval.

There being no one to speak for or against the proposed land sale, Mayor Calvin closed the public hearing at 7:18 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Plowman offered a motion to adopt, assign a number, and order final publication of **Ordinance No. 1438 Authorizing the Sale of Real Property to Hoffman Construction Company.** Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 19-101 Adopting the Land Purchase Agreement with Hoffman Construction Company** was introduced by Council Member Schwantes. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Planner Sarah Swedburg stated the City received an offer from James Viaene to purchase a small portion of old wastewater treatment plant property. Mr. Viaene has obtained an easement agreement for many years granting ingress and egress across City property to certain real estate owned by Mr. Viaene. The land sale, if approved, would be conditioned upon Mr. Viaene combining all parcels or platting the property. The Community Development Committee and Planning Commission have reviewed and recommended the land sale.

Following discussion, Council Member Fagerlie offered a motion to **introduce an Ordinance Authorizing the Sale of Real Property to James Viaene** and set a public hearing for August 5, 2019 at 7:01 p.m. Council Member Asmus seconded the motion which carried.

The Labor Committee Report for July 8, 2019 was presented to the Mayor and Council by Council Member Mueske. There were four items for consideration.

Item No. 1 Staff brought forth, for approval, updating the Wastewater Foreman job description to more accurately reflect the role now (last update was April 5, 2000). The Master Electrician License requirement was replaced with more Wastewater specific qualifications. The license requirement was only added into the job description because the employee at the time already possessed the license. The electrical duties have not been required for the position for the last several years, would be an unusual requirement to maintain, and would make it extremely difficult to fill the job opening. It was the recommendation of the Committee to approve the updated job description.

Council Member Mueske offered a motion to approve the Committee's recommendation. Council Member Nelsen seconded the motion.

During discussion, Mayor Calvin offered a friendly amendment to the motion to leave the "interaction with state electrical inspector" in the job description.

The original motion, as amended, then carried.

Item No. 2 Staff presented the fifth section of the updated employee personnel policy and the Exempt Employee Pay Policy obtained from the League of MN Cities. Text in black is League's recommended language, text in green is language pulled from our existing Personnel Policy, and text highlighted in yellow is a new policy being implemented at the City. The requirement that overtime must be approved by a supervisor in advance is being added to our written policy officially (although it has been implemented in practice). It was the recommendation of the Committee to adopt the fifth section of the new Personnel Policy.

Council Member Mueske offered a motion to approve the Committee's recommendation. Council Member Schwantes seconded the motion which carried.

The optional Tuition Reimbursement Policy was discussed and agreed to be presented at the Council meeting on July 29<sup>th</sup> for consideration. This item was for information only.

Item No. 3 Staff presented the sixth section of the updated employee personnel policy, the Sick Leave Donation Policy, and the Sick Leave Upon Separation Policy. At the League's recommendation, staff is utilizing their handbook template and customizing it to Willmar's policies and procedures. This item was for information only.

Item No. 4 Labor Chair Mueske asked the committee if we needed a moderator at the mini retreat on July 29<sup>th</sup> or if there were any other agenda items. The committee did not see a need for a moderator and the proposed agenda has the Springsted presentation of the Compensation Study, Pay Equity, and the Tuition Reimbursement Policy. This item was for information only.

The Labor Committee Report of July 8, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Mueske. Council Member Schwantes seconded the motion, and carried.

The Public Works/Safety Report for July 10, 2019 was presented to the Mayor and Council by Council Member Asmus. There were six items for consideration.

Item No. 1 Staff brought forth, for information, the Police and Fire Department statistics for the month of June. This item was for information only.

Council Member Alvarado entered the meeting at 5:29 p.m.

Item No. 2 Staff brought forth, for information, the testimony for first-time liquor license violations from American Legion 167 dba Austin F. Hanscom Post, BPOE Lodge 952 dba Willmar Elks Lodge, A&A Investment LLC dba West Side Liquor (West). Tapatio LLC dba El Tapatio Mexican Restaurant was not in attendance. This item was for information only.

A second-time violation was issued to Foxhole Brewhouse Incorporated with a \$1,000 fine paid to the City on June 20, 2019. This item was for information only.

Following a discussion, Council Member Plowman offered a motion to draft a letter to the owner of El Tapitio Mexican Restaurant to provide them another opportunity to appear at the Public Works/Safety Committee meeting. Council Member Mueske seconded the motion.

During discussion, Mayor Calvin called point of order.

Council Member Mueske added a friendly amendment to add the ordinance language of potential penalties to the letter.

The motion, as amended, then carried.

Item No. 3 Staff brought forth, for approval, authorization to be named and potentially participate in a state grant through the Kandiyohi County Attorney's Office. The office had successfully wrote a grant in the past for human trafficking investigations which ran from 2017 to 2019. The Attorney's office has now offered to reapply for the grant for 2020 to 2022. The grant requires two separate departments to commit a full-time investigator for combatting human and sex trafficking in our area. The Upper Sioux Police Department has offered to have one officer assigned and Willmar PD would be listed as a second agency. If awarded, all wages, benefits, overtime costs and most equipment would be covered in the grant for a full-time officer assignment. It was the recommendation of the Committee to approve the Willmar Police Department's participation in the Sex Trafficking Investigation and Training grant through the Kandiyohi County Attorney's Office with reevaluation of involvement if successful.

Police Chief Jim Felt stated numerous area law enforcement agencies were approached to participate and there were not enough agencies willing to participate or commit so the Kandiyohi County Attorney's Office determined it was not in the best interest to apply for the grant at this time. They will re-evaluate and look at future grants.

Council Member Plowman stated, at this time, this item will be received for information only.

Item No. 4 Staff brought forth, for approval, the recommendation to advertise the sale of the 1988 Luverne fire engine. This vehicle was on a 25-year replacement cycle but due to other circumstances, the unit was retained until 2017. A replacement was purchased last year and since October, this unit has been kept while staff researched the use of it as a backup truck to improve the City's ISO rating, but found it to have little impact. It was the recommendation of the Committee to approve the recommendation to advertise the sale of the 1988 Luverne fire engine beginning August 1, 2019 with a starting price of \$25,000.

Council Member Plowman offered a motion to approve the Committee's recommendation. Council Member Alvarado seconded the motion which carried.

Item No. 5 Staff brought forth, for approval, consideration of bids for the Sperry Park Pickle Ball Courts Project. Staff received one bid from a local vendor and the bid was higher than budgeted, so additional bids were solicited for each aspect of the project. Riley Brothers Construction, Inc. was the low bid received for the court resurfacing in the amount of \$40,345, AnDi's FenceAll for fencing in the amount of \$17,113.36 and Surface Pro for painting the surface in the amount of \$15,000. It was the recommendation of the Committee to award the bids for the Sperry Pickle Ball Courts project and authorize signatures on the agreements.

**Resolution No. 19-102 Awarding the Bids for the Sperry Pickle Ball Courts Project** was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 6 The City entered into an agreement on June 18, 2018 with Duininck, Inc. for the path overlay along North Business 71 from Robbins Island to the Kandiyohi Power Cooperative lot on 13<sup>th</sup> Avenue NE in the amount of \$82,270. Change Order No. 1 in the amount of \$926.90 is a reconciliation of the final contract quantities. The final pay request is hereby submitted for consideration and staff is recommending final payment be made. It was the recommendation of the Committee to accept Change Order No. 1 in the amount of \$926.90. It was also the recommendation of the Committee to accept the project and authorize final payment in the amount of \$10,588.49 to Duininck, Inc. for Project No. 1804.

**Resolution No. 19-103 Accepting Change Order No. 1 for Project No. 1804** was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 19-104 Accepting Project No. 1804 and Authorizing Final Payment** was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Public Works/Safety Report of July 10, 2019, was approved, as amended, and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman. Council Member Nelsen seconded the motion which carried.

Human Resource Director Samantha Beckman stated Interim Administrator Brian Gramentz has requested his pension contributions go through International City/County Managers Association (ICMA) instead of PERA. ICMA has the same contributions as PERA so there is no change to the cost/budget. It was staff's recommendation to approve the proposed contract for ICMA participation and adopt the required resolutions.

**Resolution No. 19-105 Approving a City Administrator's Choice to be Excluded from Participating in the PERA Coordinated Plan** was introduced by Council Member Mueske. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 19-106 For a Legislative Body Relating to a 457 Deferred Compensation Plan** was introduced by Council Member Alvarado. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

**Resolution No. 19-107 Authorizing the City to Participate in International City/County Managers Association Contract** was introduced by Council Member Mueske. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson presented a request to approve a premise permit for 100 Yard Club, Inc. to obtain a gambling license at Green Mill located at 2100 Highway 12 Southeast, Suite 3 and direct the City Clerk to forward same to the Gambling Control Board.

**Resolution No. 19-108 Requesting That the Minnesota Gambling Control Board Approve the Application for a Premise Permit for the 100 Yard Club, Inc.** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Council Member Asmus offered the following comments: "Hats Off" to Public Works Department for the water control during the last rain events; "Hats Off" to the Police Department for their involvement in the American Legion State Convention and willingness to adapt to schedule changes; the Bike MS Event is happening this weekend on Sunday from 5:00 p.m. to 9:00 p.m. at the Civic Center – there will be music, food and activities, and if interested in volunteering contact the Convention and Visitor's Bureau.

Council Member Plowman offered the following comments: 19<sup>th</sup> Avenue construction project is moving along and asked the public to be patient and careful when driving through the construction.

Council Member Fagerlie offered the following comments: Rockin' Robbins concert tomorrow night.

Council Member Mueske offered the following comments: Rockin' Robbins concert tomorrow will be a warm night; mosquito spraying is going on.

Council Member Schwantes offered the following comments: "Hats Off" to Police Chief Jim Felt for his efforts in regard to the sex trafficking grant, and offered several statistics regarding Kandiyohi County – if anyone is interested in being a part of the solution, contact Sara Carlson at the Willmar Area Community Foundation; Vision 2040 Leadership Program is accepting applications now through August 5<sup>th</sup> for training – Council Members Asmus, Nelsen and herself are involved in the program and they can assist with the application or one can be obtained from the website.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:23 p.m.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
SECRETARY TO THE COUNCIL

#### **RESOLUTION NO. 19-098**

#### **A RESOLUTION AUTHORIZING THE SALE OF GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2019A, SUBJECT TO CERTAIN PARAMETERS; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT**

Motion By: Nelsen

Second By: Fagerlie

BE IT RESOLVED By the City Council of the City of Willmar, Kandiyohi County, Minnesota (the "City") as follows:

#### **Section 1. Sale of Bonds.**

#### **1.01. It is determined that:**

(a) the assessable public improvements including the costs of various street and utility improvement projects (the "Improvements") have been duly ordered by the City;

(b) the City is authorized by Minnesota Statutes, Chapter 429 (the "Improvement Act") to finance all or a portion of the cost of the Improvements by the issuance of general obligation bonds of the City payable from special assessments levied against benefited property and ad valorem taxes;

(c) on July 1, 2019, the City Council adopted a resolution calling a public hearing on an Ordinance entitled "An Ordinance Authorizing the Issuance of \$4,740,000 General Obligation Improvement Bonds, Series 2019A, and Levying of Taxes to Secure the Payment Thereof" (the "Ordinance");

(d) a public hearing on the adoption of the Ordinance was held this same date, and, following the public hearing the City Council adopted the Ordinance;

(e) it is necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Improvement Bonds, Series 2019A (the "Bonds") in the approximate aggregate principal amount of \$4,740,000, subject to certain parameters provided herein, to provide financing for the Improvements pursuant to the Improvement Act to provide financing for the Improvements;

(f) the City hereby retains Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA") to act as an independent municipal advisor for the purpose of reviewing the pricing fairness associated with the purchase and subsequent reoffering of the Bonds. It being thus determined that the City has retained an independent municipal advisor in connection with such sale, the City is authorized by Minnesota Statutes, Section 475.60, Subdivision 2(9) to negotiate the sale of the Bonds.

1.02 Pricing Committee. The City hereby establishes a pricing committee with respect to the Bonds comprising the Mayor (or a City Council member designated by the Mayor), the Interim City Administrator and the City Finance Director (the "Pricing Committee"). The Pricing Committee is authorized and directed, upon satisfaction of the conditions for the issuance of the Bonds under the City Charter and with the advice of Baker Tilly MA, to (i) review proposals for the sale of the Bonds; (ii) award the sale of the Bonds to the prospective purchaser (the "Purchaser") in an aggregate principal amount not to exceed \$4,740,000, with a true interest cost not to exceed 3.00% and a final maturity not later than February 1, 2030; (iii) approve the dates for optional redemption or any mandatory sinking fund redemption schedule; and (iv) approve the tax levy for the repayment of the Bonds. The City hereby approves the sale of the Bonds to the Purchaser, at the price, maturity schedule, and rates to be determined by the Pricing Committee based on the lowest true interest cost.

1.03. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to Minnesota Statutes, Section Chapters 429 and 475 (collectively, the "Act"), in an aggregate principal amount not to exceed \$4,740,000 bearing interest as determined by the Pricing Committee, and maturing on February 1 in the years and amounts as determined by the Pricing Committee.

1.04. Optional Redemption. The City may elect to prepay Bonds on the dates to be determined by the Pricing Committee. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. Prepayments will be at a price of par plus accrued interest.

## Section 2. Registration and Payment

2.01. Registered Form. Each Bond will be issued as a single typewritten bond, only in fully registered form. The interest thereon and, upon surrender of each of the Bonds, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. The Bonds will be dated as of the date of delivery. The interest on the Bonds will be payable on the dates to be determined by the Pricing Committee and set forth in the Bonds to the registered owners of record thereof as of the close of business on the 15th day of the immediately preceding month, whether or not that day is a business day.

2.03. Registration. The City appoints the City Finance Director as bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of the Bonds and the registration of transfers and exchanges of the Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in

writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the 15th day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When a Bond is surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for a Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. The Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Execution and Delivery. The Bonds will be prepared under the direction of the City Finance Director and executed on behalf of the City by the signatures of the Mayor and the City Clerk, provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of the Bonds, that



signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. When the Bonds have been so prepared and executed, the City Finance Director will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

Section 3. Form of Bonds.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form as shown in **EXHIBIT A**.

3.02. Approving Legal Opinion. The City Finance Director will obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which will be complete except as to dating thereof and will cause the opinion to be printed on or accompany the Bonds.

Section 4. Payment; Security; Pledges and Covenants.

4.01. (a) Debt Service Fund. The Bonds are payable from the General Obligation Improvement Bonds, Series 2019A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. Amounts in the Debt Service Fund are irrevocably pledged to the Bonds. To the Debt Service Fund hereby created, there is hereby pledged and irrevocably appropriated and there will be credited: (A) the proceeds of ad valorem taxes herein or hereafter levied (the "Taxes"), and, subject to 4.01(b), the special assessments levied against the property specially benefited by the Improvements (the "Assessments"); (B) capitalized interest financed from Bond proceeds, if any; and (C) all investment earnings on funds in the Debt Service Fund; and (E) any and all other moneys which are properly available and are appropriated by the City Council to the Debt Service Fund. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from other funds of the City, and such fund will be reimbursed for those advances out of the proceeds of Assessments and Taxes when collected.

(b) Construction Fund. The proceeds of the Bonds, less the appropriations made in Section 4.01(a), together with the Assessments collected during the construction of the Improvements and any other funds appropriated for the Improvements will be deposited in a separate construction fund (the "Construction Fund") to be used solely to defray expenses of the Improvements and the payment of principal and interest on the Bonds prior to the completion and payment of all costs of the Improvements. Any balance remaining in the Construction Fund after completion of the Improvements and the costs thereof paid, may be used as provided in Minnesota Statutes, section 475.65. Thereafter, the Construction Fund is to be closed and any remaining balances therein and subsequent collections of Assessments for the Improvements and any Taxes are to be deposited in the Debt Service Fund.

4.02. Covenants. It is hereby determined that the Improvements will directly and indirectly benefit abutting property and other identified property, and the City hereby covenants with the holders from time to time of the Bonds as follows:

(a) The City has caused or will cause the Assessments for the Improvements to be promptly levied so that the first installment will be collectible not later than 2020 and will take all steps necessary to assure prompt collection, and the levy of the Assessments is hereby authorized. The City Council will cause to be taken with due diligence all further actions that are required for the construction of each Improvement financed wholly or partly from the proceeds of the Bonds, and will take all further actions necessary for the final and valid levy of the Assessments and the appropriation of any other funds needed to pay the Bonds and interest thereon when due.

(b) In the event of any current or anticipated deficiency in Assessments and Taxes, the City Council will levy additional ad valorem taxes in the amount of the current or anticipated deficiency.

(c) The City will keep complete and accurate books and records showing: receipts and disbursements in connection with the Improvements, Assessments and Taxes levied therefor and other funds appropriated for their payment, collections thereof and disbursements therefrom, monies on hand and, the balance of unpaid Assessments and Taxes.

(d) The City will cause its books and records to be audited at least annually and will furnish copies of such audit reports to any interested person upon request.

4.03. Pledge of Taxes. It is determined that at least 20% of the cost of the Improvements will be specially assessed against benefited properties. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrepealable ad valorem tax (the "Taxes") upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Taxes will be credited to the Debt Service Fund above provided and will be in the years and amounts as to be set for in the certificate of the Pricing Committee.

4.04. Certification as to Debt Service Fund Amount. It is hereby determined that the estimated collections of Assessments and the foregoing Taxes will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levy herein provided is irrepealable until the Bonds are paid, provided that at the time the City makes its annual tax levies the Finance Director may certify to the County Auditor of Kandiyohi County the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the County Auditor will thereupon reduce the levy collectible during such year by the amount so certified.

4.05. County Auditor Certificate as to Registration. If no Certificate of Intent is filed in accordance with Section 7.04(j) of the City Charter within 15 days after adoption of this resolution, the Clerk is hereby directed to file a certified copy of this resolution and a copy of the certificate of the Pricing Committee with the County Auditor of Kandiyohi County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's certificate that the Bonds have been entered in the County Auditor's Bond Register, and the tax levy required by law has been made.

## Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. No Official Statement or Prospectus. It is determined that no official statement or prospectus has been prepared or circulated by the City in connection with the sale of the Bonds and that the Purchaser has made its own investigations concerning the City as set forth in an investment letter of even date, receipt of which is hereby acknowledged.

5.03. Other Certificates. The Mayor, Interim City Administrator and Finance Director, or any of them, are hereby authorized and directed to furnish at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, Interim City Administrator and Finance Director, or any of them, shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

Section 6. Tax Covenant.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States if the Bonds (together with other obligations reasonably expected to be issued in calendar year 2019) exceed the small-issuer exception amount of \$5,000,000.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them, or the Improvements, to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

- (a) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;
- (b) the City designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds which will be issued by the City (and all subordinate entities of the City) during calendar year 2019 will not exceed \$10,000,000; and
- (d) not more than \$10,000,000 of obligations issued by the City during calendar year 2019 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. No Requirement of Continuing Disclosure. The Purchaser need not comply with the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"). Consequently, the City will not enter into any undertaking to provide continuing disclosure of any kind with respect to the Bonds.

Section 8. Defeasance. When all of the Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge the Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full or by depositing irrevocably in escrow, with a suitable institution qualified by law as an escrow agent for this purpose, cash or securities which are backed by the full faith and credit of the United States of America, or any other security authorized under Minnesota law for such purpose, bearing interest

payable at such times and at such rates and maturing on such dates and in such amounts as shall be required and sufficient, subject to sale and/or reinvestment in like securities, to pay said obligation(s), which may include any interest payment on such Bond and/or principal amount due thereon at a stated maturity (or if irrevocable provision shall have been made for permitted prior redemption of such principal amount, at such earlier redemption date). If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

The motion for the adoption of the foregoing resolution was duly seconded by Member Fagerlie, and upon vote being taken thereon, the following voted in favor thereof: Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen and the following voted against the same: None

whereupon said resolution was declared duly passed and adopted on this 15th day of July, 2019.

s/s Marv Calvin  
Mayor

ATTEST:

s/s Judy Thompson  
City Clerk

#### **RESOLUTION NO. 19-099**

#### **RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR MUNICIPAL DEVELOPMENT DISTRICT NO. II AND A MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR THE LEGACY ON FIRST TAX INCREMENT FINANCING DISTRICT.**

Motion By: Fagerlie Second By: Asmus

BE IT RESOLVED by the City Council ("Council") of the City of Willmar, Minnesota ("City"), as follows:

#### **Section 1. Recitals**

1.01. The Council has heretofore established Municipal Development District No. II (the "Development District") and adopted a Development Program therefor. It has been proposed by the City that the City enlarge the Development District and adopt a Modification to the Development Program (the "Development Program Modification") for the Development District and adopt a Modification to the Tax Increment Financing Plan (the "TIF Plan Modification") for the Legacy on First Tax Increment Financing District (the "TIF District") which are referred to collectively herein as the "Modifications", all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.124 to 469.133 and Sections 469.174 to 469.1794, all inclusive, as amended, (the "Act") all as reflected in the Modifications, and presented for the Council's consideration.

1.02. The City has investigated the facts relating to the Modifications and have caused the Modifications to be prepared.

1.03. The City has performed all actions required by law to be performed prior to the adoption and approval of the proposed Modifications, including, but not limited to, notification of Kandiyohi County and Independent School District No. 347, having taxing jurisdiction over the property in the TIF District, a review of and written comment on the Development Program Modification by the City Planning Commission, and the holding of a public hearing upon published notice as required by law.

1.04. The City is modifying the boundaries of the Development District to be coterminous with the city limits of the City of Willmar.

1.05. The City is not extending the duration or modifying the boundaries of the TIF District.

## Section 2. Findings for the Development Program Modification

2.01. The Council hereby finds that: (a) the land within the Development District would not be available for development or redevelopment without the financial aid to be sought under the Development Program Modification; (b) the Development Program Modification will afford maximum opportunity, consistent with the needs of the City as a whole, for the development of the Development District by private enterprise; and (c) the Development Program Modification conforms to the general plan for the development of the City as a whole.

2.02. These findings are based on the facts and conditions described in the Development Program Modification, which is incorporated herein by reference.

## Section 3. Findings for the TIF Plan Modification

3.01 The Council hereby reaffirms the original findings for the TIF District, namely that it was established as a "redevelopment district".

3.02 The Modifications are being completed to allow for the enlargement of Development District Number 3, and to authorize the expenditure of tax increments from Tax Increment Financing District Number 3, to be spent within the boundaries of Development District Number 3, as enlarged, or additional project costs.

3.03 The TIF Plan Modification conforms to the general plan for development or redevelopment of the City as a whole. The fact supporting this finding is that the TIF Plan Modification will generally complement and serve to implement policies adopted in the City's comprehensive plan.

3.04 The TIF Plan Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Development District by private enterprise. The facts supporting this finding are that the TIF Plan Modification will continue the redevelopment by private enterprise that has been stimulated under the original plan for the TIF District.

3.05 The Council further finds the future redevelopment, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary.

## Section 4. Public Purpose

4.01. The adoption of the Modifications conform in all respects to the requirements of the Act and will help fulfill a need to redevelop an area of the State which is already built up, to provide employment opportunities, to provide housing opportunities, to improve the tax base and to improve the general economy of the State and thereby serves a public purpose.

## Section 5. Approval and Adoption of the Modifications

5.01. The Modifications, as presented to the Council on this date, are hereby approved, ratified, adopted and shall be placed on file in the office of the Director of Planning and Development Services.

5.02. The staff, the City's advisors and legal counsel are authorized and directed to proceed with the implementation of the Modifications and for this purpose to negotiate, draft, prepare and present to this Council for its consideration all further modifications, resolutions, documents and contracts necessary for this purpose. Approval of the Modifications does not constitute approval of any project or a Development Agreement with any developer.

5.03. The Director of Planning and Development Services is authorized and directed to forward a copy of the Modifications to the Commissioner of the Minnesota Department of Revenue and the Office of the State Auditor pursuant to M.S., Section 469.175, Subd. 4a.

5.04. The Director of Planning and Development Services is further authorized and directed to file a copy of the Modifications with the Kandiyohi County Auditor.

Dated this 15<sup>th</sup> day of July, 2019

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

#### **RESOLUTION NO. 19-100**

#### **RESOLUTION ADOPTING A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR MUNICIPAL DEVELOPMENT DISTRICT NO. VI AND A MODIFICATION TO THE TAX INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 3.**

Motion By: Fagerlie

Second By: Mueske

BE IT RESOLVED by the City Council ("Council") of the City of Willmar, Minnesota ("City"), as follows:

#### **Section 1. Recitals**

1.01. The Council has heretofore established Municipal Development District No. VI (the "Development District") and adopted a Development Program therefor. It has been proposed by the City that the City enlarge the Development District and adopt a Modification to the Development Program (the "Development Program Modification") for the Development District and adopt a Modification to the Tax Increment Financing Plan (the "TIF Plan Modification") for Tax Increment Financing District No. 3 (the "TIF District") which are referred to collectively herein as the "Modifications", all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.124 to 469.133 and Sections 469.174 to 469.179, all inclusive, as amended, (the "Act") all as reflected in the Modifications, and presented for the Council's consideration.

1.02. The City has investigated the facts relating to the Modifications and have caused the Modifications to be prepared.

1.03. The City has performed all actions required by law to be performed prior to the adoption and approval of the proposed Modifications, including, but not limited to, notification of Kandiyohi County and Independent School District No. 347, having taxing jurisdiction over the property in the TIF District, a review of and written comment on the Development Program Modification by the City Planning Commission, and the holding of a public hearing upon published notice as required by law.

1.04. The City is modifying the boundaries of the Development District to be coterminous with the city limits of the City of Willmar.

1.05. The City is extending the duration but is not modifying the boundaries of the TIF District.

## Section 2. Findings for the Development Program Modification

2.01. The Council hereby finds that: (a) the land within the Development District would not be available for development or redevelopment without the financial aid to be sought under the Development Program Modification; (b) the Development Program Modification will afford maximum opportunity, consistent with the needs of the City as a whole, for the development of the Development District by private enterprise; and (c) the Development Program Modification conforms to the general plan for the development of the City as a whole.

2.02. These findings are based on the facts and conditions described in the Development Program Modification, which is incorporated herein by reference.

## Section 3. Findings for the TIF Plan Modification

3.01 The Council hereby reaffirms the original findings for the TIF District, namely that it was established as an "economic development district".

3.02 The Modifications are being completed to allow for the enlargement of Development District Number 3, and to authorize the expenditure of tax increments from Tax Increment Financing District Number 3, to be spent within the boundaries of Development District Number 3, as enlarged, or additional project costs.

3.03 The TIF Plan Modification conforms to the general plan for development or redevelopment of the City as a whole. The fact supporting this finding is that the TIF Plan Modification will generally complement and serve to implement policies adopted in the City's comprehensive plan.

3.04 The TIF Plan Modification will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Development District by private enterprise. The facts supporting this finding are that the TIF Plan Modification will continue the redevelopment by private enterprise that has been stimulated under the original plan for the TIF District.

3.05 The Council further finds the future redevelopment, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future and therefore the use of tax increment financing is deemed necessary.

## Section 4. Public Purpose

4.01. The adoption of the Modifications conform in all respects to the requirements of the Act and will help fulfill a need to redevelop an area of the State which is already built up, to provide employment opportunities, to provide housing opportunities, to improve the tax base and to improve the general economy of the State and thereby serves a public purpose.

## Section 5. Approval and Adoption of the Modifications

5.01. The Modifications, as presented to the Council on this date, are hereby approved, ratified, adopted and shall be placed on file in the office of the Director of Planning and Development Services.

5.02. The staff, the City's advisors and legal counsel are authorized and directed to proceed with the implementation of the Modifications and for this purpose to negotiate, draft, prepare and present to this Council for its consideration all further modifications, resolutions, documents and contracts necessary for this purpose. Approval of the Modifications does not constitute approval of any project or a Development Agreement with any developer.

5.03. The Director of Planning and Development Services is authorized and directed to forward a copy of the Modifications to the Commissioner of the Minnesota Department of Revenue and the Office of the State Auditor pursuant to M.S., Section 469.175, Subd. 4a.

5.04. The Director of Planning and Development Services is further authorized and directed to file a copy of the Modifications with the Kandiyohi County Auditor.

Dated this 15<sup>th</sup> day of July, 2019.

s/s Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

#### **RESOLUTION NO. 19-101**

#### **A RESOLUTION ADOPTING THE LAND PURCHASE AGREEMENT WITH HOFFMAN CONSTRUCTION COMPANY**

Motion By: Schwantes

Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the land purchase agreement with Hoffman Construction Company is accepted, and

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to execute a version thereof.

Dated this 15th day of July, 2019

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk



**RESOLUTION NO. 19-102**

**A RESOLUTION AWARDING THE BIDS FOR THE SPERRY PICKLE BALL COURTS PROJECT**

Motion By: Plowman

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Riley Brothers Construction, Inc. of Morris, MN, AnDi's FenceAll of Glenwood, MN and Surface Pro of Anoka, MN for the Sperry Pickle Ball Courts project is accepted, and

BE IT FURTHER RESOLVED that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidders for the terms and consideration of the contract in the total amount of \$72,458.36.

Dated this 15th day of July, 2019

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

**RESOLUTION NO. 19-103**

**A RESOLUTION ACCEPTING CHANGE ORDER NO. 1 FOR PROJECT NO. 1804.**

Motion By: Plowman

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to modify the contract for Project No. 1804 between the City of Willmar and Duininck, Inc. of Prinsburg, Minnesota by Change Order No. 1 in the increased amount of \$926.90.

Dated this 15th day of July, 2019

s/s Marv Calvin

MAYOR

ATTEST:

s/s Judy Thompson

CITY CLERK

**RESOLUTION NO. 19-104**

**A RESOLUTION ACCEPTING PROJECT NO. 1804 AND AUTHORIZING FINAL PAYMENT**

Motion By: Plowman

Second By: Alvarado

IMPROVEMENT: Project No. 1804 – Path Overlay of North Business 71

CONTRACTOR: Duininck, Inc.  
DATE OF CONTRACT: June 18, 2018  
BEGIN WORK: August 21, 2018  
COMPLETE WORK: May 30, 2019  
APPROVE, ENGINEERING DEPT: May 30, 2019

**BE IT RESOLVED** by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1804 be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$82,270.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$82,270.00
CHANGE ORDER NO. 1:	\$926.90
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$83,196.90
Less Previous Payments	\$72,608.41
<b>FINAL PAYMENT DUE CONTRACTOR:</b>	<b>\$10,588.49</b>

Dated this 15th day of July, 2019

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 19-105**

**APPROVING A CITY ADMINISTRATOR'S CHOICE TO BE EXCLUDED FROM PARTICIPATING IN THE PERA COORDINATED PLAN**

Motion By: Mueske

Second By: Alvarado

**WHEREAS**, Brian Gramentz is the City Administrator of the City of Willmar having been duly appointed effective June 11, and

**WHEREAS**, acting under Minnesota Statutes §353.028, Brian Gramentz has chosen to be excluded from membership in the Coordinated Plan of the Public Employees Retirement Association (PERA) effective upon filing such election with the PERA office, and

**WHEREAS**, Brian Gramentz has provided this Council with a copy of such written election, and

**WHEREAS**, in making this election, Brian Gramentz has agreed that he will not at any time in the future seek any authorization to purchase service credit for any period of excluded service.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Willmar that said election be excluded from membership in the Coordinated Plan of the Public Employees Retirement Association is hereby approved.

Dated this 15th day of July, 2019

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

**RESOLUTION NO. 19-106**

**FOR A LEGISLATIVE BODY RELATING TO A 457 DEFERRED COMPENSATION PLAN**

Motion By: Alvarado Second By: Mueske

Name of Employer: City of Willmar State: Minnesota  
Title of Program Coordinator: Finance Director  
Resolution of the above named Employer

**WHEREAS**, The Employer has employees rendering valuable services, and

**WHEREAS**, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

**WHEREAS**, the Employer has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives; and

**WHEREAS**, the Employer desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans; .

**NOW, THEREFORE, BE IT RESOLVED** that the Employer hereby adopts the deferred compensation plan (the "Plan") in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust, referred to as Appendix A

**BE IT FURTHER RESOLVED** that the Employer hereby adopts the Declaration of Trust of VantageTrust, attached hereto as Appendix B, intending this adoption to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in VantageTrust.

**BE IT FURTHER RESOLVED** that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

**BE IT FURTHER RESOLVED** that the Employer hereby agrees to serve as trustee under the Plan.

**BE IT FURTHER RESOLVED** that the Finance Director shall be the coordinator for this program; shall receive necessary reports, notices, etc. from ICMA Retirement Corporation or VantageTrust; shall cast, on behalf of the Employer, any required votes under VantageTrust; Administrative duties to carry out the plan may be assigned to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

Dated this 15<sup>th</sup> day of July, 2019.

s/s Marv Calvin  
Mayor

Attest:

s/s Judy Thompson  
City Clerk

I, Judy Thompson, Clerk of the City of Willmar, do hereby certify that the foregoing resolution, proposed by Council Member Alvarado, of the City of Willmar, was duly passed and adopted by the City Council of the City of Willmar at its regular meeting thereof assembled the 15<sup>th</sup> day of July, 2019 by the following vote:

AYES: 8  
NAYES: 0  
ABSENT: 0

s/s Judy Thompson  
Clerk of the City of Willmar

#### **RESOLUTION NO. 19-107**

#### **AUTHORIZING THE CITY TO PARTICIPATE IN INTERNATIONAL CITY/COUNTY MANAGERS ASSOCIATION CONTRACT**

Motion By: Mueske

Second By: Alvarado

BE IT RESOLVED by the City Council of the City of Willmar to participate in the International City/County Managers Association Contract for pension contributions and authorize the Mayor to sign on behalf of the City.

Dated this 15th of July, 2019

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

**RESOLUTION NO. 19-108**

**REQUESTING THAT THE MINNESOTA GAMBLING CONTROL BOARD APPROVE THE APPLICATION  
FOR A PREMISE PERMIT FOR THE 100 YARD CLUB, INC.**

Motion By: Fagerlie

Second By: Nelsen

WHEREAS, the 100 Yard Club, Inc. has applied to the Minnesota Gambling Control Board to obtain a Premise Permit for a Gambling License at the Green Mill , 2100 Hwy 12 SE, Suite 3, Willmar, Minnesota;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the 100 Yard Club, Inc. and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the 100 Yard Club, Inc.

Dated this 15<sup>th</sup> day of July, 2019.

s/s Marv Calvin

MAYOR

ATTEST:

s/s Judy Thompson

CITY CLERK